

(1) Number of pages 19
 (2) Date of repair 3. 5. 71
 (3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

~~Judicial~~ [✓] DEPARTMENT
 (Legislative)
 Judicial

G.O. No.	1566	Press
B.P. No.		Mis.
Dated 24. 7. 1888 197		

Not to be folded or roughly handled

28 June 1888
30/4
27TH JUNE 1888, No. 54, LEGISLATIVE.

GOVERNMENT OF MADRAS.
LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Acting Under Secretary to the Government of Madras, dated Simla, 6th June 1888, No. 948.

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Bill noted on the margin, which was received with your letter, No. 36, dated the 13th April last, to the address of the Secretary to the Government of India in the Home Department.

2. I am at the same time to observe that the rule laid down in the second clause of paragraph 1 of Home Department letter, No. 1130, dated the 7th July 1875, has not been observed in this case, inasmuch as the Bill was passed by the Madras Legislative Council on the 20th March last, one month after the date on which the Bill, as amended by the Select Committee, was forwarded to the Secretary of State,* and before receipt of the communication from this department, No. 734, dated the 27th April 1888, the receipt of which should have been awaited before the measure was further proceeded with.

3. I am also desired again † to point out that copies of the entire proceedings of the meetings of the Madras Legislative Council, at which the Bill was considered, have been forwarded instead of extracts from the proceedings relating to the Bill, in accordance with the orders of the Secretary of State contained in despatch, No. 36, dated the 11th November 1886, a copy of which was forwarded to the Government of Madras under cover of this office endorsement, No. 2524, dated the 23rd December 1886. This department having been obliged to reprint the necessary extracts from the proceedings for transmission to England, I am to request that, in future, the orders of the Secretary of State may be observed when copies of proceedings relating to Bills which are submitted for the assent of His Excellency the Governor-General are sent to the Government of India.

ORDER—dated 27th June 1888, No. 54, Legislative.

Communicated to the Judicial and Local and Municipal Departments.

2. A copy of the Act, as assented to by His Excellency the Governor-General will be published in the *Fort St. George Gazette*.

3. The assent of the Governor-General to the Act will be communicated to the Council for making Laws and Regulations.

4. With reference to paragraph 2 of the foregoing letter, the Government of India will be addressed.

(Here enter Letter No. 55, dated 27th June 1888.)

(True Extract.)

S. J. Candlish
Ag. Under Secy. to Govt.

To the Judicial Department.

" Local and Municipal Department.

" Superintendent, Government Press (with copy of Act).

MADRAS.

ACT No. *II* OF 1888.

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

WHEREAS it is expedient to provide for the inspection of places of public resort and entertainment, and for the licensing of the same by competent authority; It is hereby enacted as follows:—

Preamble.

Short title.

Commencement.

Local extent.

Saving.

Definitions.

"Chairman of a Municipal Council" means the Chairman of a Municipal Council appointed under Madras Act IV of 1884, or other Act relating to District Municipalities in the Presidency of Fort St. George for the time being in force.

"Magistrate" means a Magistrate appointed under the Code of Criminal Procedure.

"Building" includes any house, hut, shed or roofed enclosure.

3. Within any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, having an area of 500 square feet or upwards, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary, and the purpose for which it is proposed to be used.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any Magistrate having jurisdiction over the local area in which the place or building is situated.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

When authority to grant license.

7. If the authority is satisfied—

(a) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed;

(b) that no objection, arising from its situation, ownership, or the purpose proposed, exists,

he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the Governor in Council may from time to time by rule direct.

If the authority is not satisfied as aforesaid, he may refuse to grant a license, recording his reasons for refusal in writing.

License to state period for which it is to be in force.

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

Revocation or suspension of license.

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe—

(a) that the license has been fraudulently obtained;

(b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted;

(c) that the place or building can no longer be safely used for the purpose for which the license was granted.

Appeal against order under section 6, 7, or 9.

10. (1) Any applicant for a license under this Act may appeal from any order made under section 6, 7, or 9 unless such order has been made by the Magistrate of the district.

(2) The appeal shall be made within 30 days from the day on which the applicant received the order appealed against.

(3) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Sub-divisional Magistrate, or if the original order was made by a Sub-divisional Magistrate, to the Magistrate of the district.

(4) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under section 5, and may either grant or withhold the license or make such other order as it thinks fit.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station of or of higher rank than Head Constable to enter at any time any enclosure or building for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed, and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

12. The District Magistrate may call for and examine any proceeding taken under this Act, may call for any report in connection therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to a fine which may extend to five hundred Rupees.

14. The Governor in Council may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act, for carrying out the purposes thereof, and may amend or cancel the same. All such rules shall be published in the *Fort St. George Gazette*, and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

Encl. No. 5014

Gobt. of (1888) Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 27th June 1888, No. '54.

JUNE.

Act to provide for the Inspection
and Licensing of Places of Public
Resort and Entertainment.

Passing the necessary orders on receipt of the Governor-General's assent to the —, and explaining to the Government of India why the said Act was passed by the Madras Council before the expiry of the period of two months after transmission of the Select Committee's report to the Secretary of State.

[25]



Jud. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Legislative. D. 27th June 88. No. 54.

Order. 24 July 1888 No. 1566
Recorded.

2. The Govt. will be prepared to consider the recommendation of any St. Magt. proposing to extend the operation of the Act, ^{permanently or for a limited period} notified under sec. 4(3), to a local area not being ^a within the municipality of Madras or of one ^{existing} ~~under~~ under the Act of 1884.

All St. Magts.

Copy to the Lt. Gov. Dept. of the Public Office

Under sec. 1 (3) the Act is now in force only in municipalities under Madras Act IV of 1884.

The framing of rules under sec. 4, at its provisions of sec. 7 rendered immediately necessary, must therefore be undertaken in the District.

By the Secy to the Govt.
J. S. S. S.

*Ind. fo. 24^o July/88
no 1566.*

The Collectors of
The District Magistrates of

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Saidapet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godavari, Cocanada.
Kistna, Masulipatam.
Kurnool.
~~Madras (when necessary)~~
Madura.
Malabar, Calicut.
Nilgiris, Ootacamund.
Nellore.
Salem.
Tanjore.
Tinnevely.
Trichinopoly.
Vizagapatam.

Despatched 169. Copies. 78-8-88.

3. The assent of the Go
ouncil for making Laws and

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

G.O., dated 27th June 1888, No. 54, Legislative.

Read—the following letter from S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Acting Under Secretary to the Government of Madras, dated Simla, 6th June 1888, No. 948 :—

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2. I am at the same time to observe that the rule laid down in the second clause of paragraph 1 of Home Department letter, No. 1130, dated the 7th July 1875, has not been observed in this case, inasmuch as the Bill was passed by the Madras Legislative Council on the 20th March last, one month after the date on which the Bill, as amended by the Select Committee, was

* Vide despatch from the Government of Madras, No. 2, dated 21st February 1888. forwarded to the Secretary of State,* and before receipt of the communication from this department, No. 734, dated the 27th

April 1888, the receipt of which should have been awaited before the measure was further proceeded with.

3. I am also desired again † to point out that copies of the entire proceedings of the meetings of the Madras Legislative Council, at which the Bill was considered, have been forwarded instead of extracts from the proceedings relating to the Bill,

in accordance with the orders of the Secretary of State contained in despatch, No. 36, dated the 11th November 1886, a copy of which was forwarded to the Government of Madras under cover of this office endorsement, No. 2524, dated the 23rd December 1886. This department having been obliged to reprint the necessary extracts from the proceedings for transmission to England, I am to request that, in future, the orders of the Secretary of State may be observed when copies of proceedings relating to Bills which are submitted for the assent of His Excellency the Governor-General are sent to the Government of India.

Order—dated 27th June 1888, No. 54, Legislative.

Communicated to the Judicial and Local and Municipal Departments,

2. A copy of the Act, as assented to by His Excellency the Governor-General, will be published in the Fort St. George Gazette.

3. The assent of the Governor-General to the Act will be communicated to the Council for making Laws and Regulations.

4. With reference to paragraph 2 of the foregoing letter, the Government of India will be addressed.

(Here enter Letter No. 55, dated 27th June 1888.)

(True Extract.)

(Signed) A. G. CARDEW,
Adj. Under Secy. to Govt.

To the Judicial Department.

„ Local and Municipal Department.

„ Superintendent, Government Press (with copy of Act).

ENCLOSURE.

MADRAS.

ACT No. II OF 1888.

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

WHEREAS it is expedient to provide for the inspection of places of public resort and entertainment, and for the licensing of the same by competent authority; It is hereby enacted as follows:—

Preamble.

Short title.

Commencement.

(3) It extends to all towns in the Madras Presidency which have been or may hereafter be declared to be municipalities under Madras Act IV of 1884, or other Act of the same nature

Local extent.

for the time being in force, and the Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, extend it permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George outside the limits of the Municipality of Madras, and may cancel or modify any such notification.

Saving.

Definitions.

“Chairman of a Municipal Council” means the Chairman of a Municipal Council appointed under Madras Act IV of 1884, or other Act relating to District Municipalities in the Presidency of Fort St. George for the time being in force.

“Magistrate” means a Magistrate appointed under the Code of Criminal Procedure.

“Building” includes any house, hut, shed or roofed enclosure.

3. Within any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, having an area of 500 square feet or upwards, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary, and the purpose for which it is proposed to be used.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any person or persons having jurisdiction over the local area in which the place or building is situated.

Authority to whom application should be made.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

When authority to grant license.

7. If the authority is satisfied—

(a) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed;

(b) that no objection, arising from its situation, ownership, or the purpose proposed, exists, he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the Governor in Council may from time to time by rule direct.

If the authority is not satisfied as aforesaid, he may refuse to grant a license, recording his reasons for refusal in writing.

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe—

(a) that the license has been fraudulently obtained;

(b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted;

(c) that the place or building can no longer be safely used for the purpose for which the license was granted.

10. (1) Any applicant for a license under this Act may appeal from any order made under section 6, 7, or 9 unless such order has been made by the Magistrate of the district.

(2) The appeal shall be made within 30 days from the day on which the applicant received the order appealed against.

(3) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Sub-divisional Magistrate, or if the original order was made by a Sub-divisional Magistrate, to the Magistrate of the district.

(4) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under section 5, and may either grant or withhold the license or make such other order as it thinks fit.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station or of higher rank than Head Constable to enter at any time any enclosure or building for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed, and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

12. The District Magistrate may call for and examine the record of any proceeding taken under this Act, may call for any report in connection therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to fine which may extend to five hundred Rupees.

14. The Governor in Council may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act, for carrying out the provisions thereof, and may amend or repeal the same. All such rules shall be published in the *Fort St. George Gazette*, and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

Power to make rules.

ORDER—dated 24th July 1888, No. 1566, Judicial.

Recorded.

2. The Government will be prepared to consider the recommendation of any District Magistrate proposing to extend the operation of the Act, permanently or for a time or for specified occasions only, by notification under section 1 (3), to any local area not being a municipality.

(True Extract.)

J. F. PRICE,
Aj. Chief Secretary.

To all District Magistrates.

Exd. A. Raitt.

Govt. of 1888 Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 24th July 1888, No. 1566.

JULY.

Places of Public Resort
Act II of 1888.

Recording Legislative Department Proceedings communicating the Governor-General's assent to the —; and intimating that Government will be prepared to consider the recommendation of any District Magistrate proposing to extend the operation of the Act to any local area not begin a municipality.

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12-8-5926

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Indl.
24th July 88
1566

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Places of Public Resort Act II of 1887

Recording from of Govt. Legislative
proceedings. Governor General
for communicating the assent
of the Govt; and intimating that
Govt. will be prepared to consider
the recommendations of any District
Magistrate proposing to extend the
operation of the Act to any local area
it being a municipality.